

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANA McCARTHY,

Plaintiff,

-against-

DAVID KAPLAN, *et al.*,

Defendants.

23-CV-11324 (LTS)

ORDER DIRECTING PAYMENT OF FEES  
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se* on December 29, 2023, by emailing her complaint to the court's designated email address for filing a new case by email. From January 9, 2024, through January 31, 2024, Plaintiff subsequently filed five motions: a motion to amend (ECF No. 2), an emergency motion to seal (ECF No. 3), a motion for preliminary injunction (ECF No. 4), a revised motion for preliminary injunction (ECF No. 5), and an emergency motion for federal judicial intervention (ECF No. 6.)

To proceed with a civil action in this court, a plaintiff must either (1) pay \$405.00 in fees – a \$350.00 filing fee plus a \$55.00 administrative fee, or (2) request authorization to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees, by submitting a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915. The court's procedures for filing a new case by email, which are posted on the court's website, require the Plaintiff to either (1) email a completed and signed IFP application, or (2) pay the filing fees of \$405.00 by certified bank check or money order, payable to: Clerk of Court – SDNY, and mailed to: Cashiers Unit – Room 260, 500 Pearl Street, New York, NY 10007. Any certified check or money order must include Plaintiff's case number, 23-CV-11324 (LTS). Payment can also be made by major credit card or cash (only if the payment is made in person). Personal checks are not accepted.

The court's procedures, for cases filed by email, allow a Plaintiff 21 days to pay the filing fees, and these procedures explain that the court cannot take any action on a complaint filed without the filing fees or a completed and signed IFP application. More than 21 days have passed since Plaintiff filed her complaint on December 29, 2023. Thus, if Plaintiff wishes to proceed with this action, within thirty days of the date of this order, she must pay the filing fees or complete, sign, and submit the attached IFP application.

At this time, no summons shall issue, and the Court will not take any action on the motions Plaintiff has filed in this case. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: February 13, 2024  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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(full name of the plaintiff or petitioner applying (each person  
must submit a separate application))

-against-

CV ( ) ( )

(Provide docket number, if available; if filing this with  
your complaint, you will not yet have a docket number.)

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(full name(s) of the defendant(s)/respondent(s))

**APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

I am a plaintiff/petitioner in this case and declare that I am unable to pay the costs of these proceedings and I believe that I am entitled to the relief requested in this action. In support of this application to proceed *in forma pauperis* (IFP) (without prepaying fees or costs), I declare that the responses below are true:

1. Are you incarcerated? ☐ Yes ☐ No (If "No," go to Question 2.)

I am being held at: \_\_\_\_\_

Do you receive any payment from this institution? ☐ Yes ☐ No

Monthly amount: \_\_\_\_\_

If I am a prisoner, *see* 28 U.S.C. § 1915(h), I have attached to this document a "Prisoner Authorization" directing the facility where I am incarcerated to deduct the filing fee from my account in installments and to send to the Court certified copies of my account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b). I understand that this means that I will be required to pay the full filing fee.

2. Are you presently employed? ☐ Yes ☐ No

If "yes," my employer's name and address are: \_\_\_\_\_

Gross monthly pay or wages: \_\_\_\_\_

If "no," what was your last date of employment? \_\_\_\_\_

Gross monthly wages at the time: \_\_\_\_\_

3. In addition to your income stated above (which you should not repeat here), have you or anyone else living at the same residence as you received more than \$200 in the past 12 months from any of the following sources? Check all that apply.

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| (c) Pension, annuity, or life insurance payments  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability or worker's compensation payments  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts or inheritances   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other public benefits (unemployment, social security, food stamps, veteran's, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (g) Any other sources   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

If you answered "No" to all of the questions above, explain how you are paying your expenses:

4. How much money do you have in cash or in a checking, savings, or inmate account?
  
5. Do you own any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value, including any item of value held in someone else's name? If so, describe the property and its approximate value:
  
6. Do you have any housing, transportation, utilities, or loan payments, or other regular monthly expenses? If so, describe and provide the amount of the monthly expense:
  
7. List all people who are dependent on you for support, your relationship with each person, and how much you contribute to their support (only provide initials for minors under 18):
  
8. Do you have any debts or financial obligations not described above? If so, describe the amounts owed and to whom they are payable:

*Declaration:* I declare under penalty of perjury that the above information is true. I understand that a false statement may result in a dismissal of my claims.

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Dated

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Signature

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Name (Last, First, MI)

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Prison Identification # (if incarcerated)

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Address

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City

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State

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Zip Code

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Telephone Number

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E-mail Address (if available)